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Official Records

Committee on the Peaceful Uses of Outer Space

401st Meeting
Monday, 13 June 1994, 10 a.m.
Vienna

Chairman: Mr. Hohenfellner . . . . . (Austria)

The meeting was called to order at 10.10 a.m.

Report of the Scientific and Technical Subcommittee on the work of its thirty-first session (A/AC.105/571) *(continued)*

Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space *(continued)*

Mr. Pesci-Bourel (Argentina) *(interpretation from Spanish)*: The Argentine delegation was an active participant in the last session of the Scientific and Technical Subcommittee, and approved the final report. Without wishing to repeat the points made then, we would like briefly to refer to the most salient items on the Subcommittee's agenda.

I begin with the issue of space debris, an item that Argentina and other countries wished to have included on the Subcommittee's agenda, and that was finally added to the agenda during the forty-eighth session of the General Assembly. We welcome that fact that we are working on this topic, which is particularly relevant with respect to geostationary satellites, because theirs is the most used orbit. If current trends continue, there is a risk of its being saturated in the near future, given the large number of active and obsolete satellites, as well as other space debris, in that orbit.

We consider it important that the Scientific and Technical Subcommittee should begin examining scientific research relating to space debris, including relevant studies, mathematical modelling and other analytical work on the characterization of the space debris environment. We therefore support the initiative of the delegation of Germany at our last session aimed at adopting a three-stage plan to deal with this issue.

With regard to the Programme on Space Applications, my delegation would like to begin by expressing our thanks to the Expert on Space Applications, Mr. Abiodun, for his detailed report on the Programme's activities. We are sure that his tireless efforts will make it possible for us to make significant progress during the coming year.

We would also like to commend the valuable courses and seminars held during 1993. We consider them to be essential for the dissemination of space knowledge, technology and experience to all States, particularly the developing countries.

My delegation wishes to refer especially to the initiative with regard to setting up regional centres for space science and technology education. The Government of Argentina is following their establishment very closely and with great interest, and we welcome the progress achieved by the Office of Outer Space Affairs and the Governments of Brazil and Mexico on setting up a centre for the Latin America and Caribbean region. My delegation would like to reiterate the interest of the Argentine Republic in participating in the activities planned for this regional centre. We hope that it will be possible to establish a branch in Argentina.

Finally, we would like briefly to refer to the possible convening of a third UNISPACE conference. At the last session of the Scientific and Technical Subcommittee we

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had the opportunity to initiate a very fruitful and extensive dialogue with other delegations. The document submitted by the Secretariat on this issue is a useful basis for work in this Committee. However, we believe that it is necessary to deal in more depth with matters of timing, goals, agenda, organization and venue before we decide to convene such a conference. The first two UNISPACE conferences showed how important and necessary they were, but we cannot run the risk, by taking hasty decisions, of convening a third such conference without the proper foundation and the essential elements. That would be inexcusable, since we would be destroying the credibility and reputation of this type of conference. We shall therefore make every effort to avoid running this risk.

Mr. Tremayne-Smith (United Kingdom): I would like to thank the Scientific and Technical Subcommittee for its work over the past year and to touch briefly on some of the subjects covered in its report on its thirty-first session.

The importance of placing the item on space debris on the agenda should not be underestimated. We are therefore pleased at the progress made as a first step in understanding the full extent of the problem. The United Kingdom and colleagues in the European Space Agency (ESA) intend to continue their activity in this area, and are planning to better coordinate their research efforts. However, the work undertaken so far is only a preliminary step, and it would seem somewhat premature to refer the issue of space debris to the Legal Subcommittee at this time.

The use of nuclear power sources in outer space has been, and will continue to be, the subject of important research. We advocate the further consideration of the safe use of this energy source, and particularly the consideration of the interaction with space debris. We recognize the considerable achievement of agreeing upon the set of Principles after many years of negotiation, and have sought to contribute constructively to the debate on this issue. In the absence of overriding technical or operational reasons, a review of the Principles is unnecessary at this time, and the integrity of the current Principles should be maintained.

My delegation has queried the need for a further UNISPACE conference, particularly before the full ramifications of such an event, and possible alternatives, have been fully considered. While the first Conference placed its main emphasis on the utilization of space, the second UNISPACE conference raised more contentious issues, and continues to influence the meetings of this Committee. So the issue, perhaps, becomes more a matter of considering the aims and objectives first, rather than agreeing to hold a conference and then deciding what that conference should be about. In addition, when we make a decision we need to have to hand the fullest information on previous activities and alternatives. If a third UNISPACE conference is to be held, it should be of benefit to all members of COPUOS and to the United Nations in general.

Mr. Wiryosumarto (Indonesia): Before making my brief remarks concerning the items under consideration, allow me to express my appreciation to the secretariat for its commendable work in preparing document A/AC.105/571, "Report of the Scientific and Technical Subcommittee on the work of its thirty-first session". I also note with satisfaction that, in response to the request of the Scientific and Technical Subcommittee, the secretariat has submitted document A/AC.105/575 on matters related to the possible holding of a Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space. My delegation would also like to express its appreciation for the statement of Mr. Abiodun, the United Nations Expert on Space Applications, regarding these two items.

As we are all aware, during its thirty-first session the Scientific and Technical Subcommittee considered various items, and heard a number of interesting presentations on a number of topics related to its agenda. The Subcommittee, in accordance with General Assembly resolution 48/39, also continued its consideration of two important items, namely "United Nations Programme on Space Application and the coordination of space activities within the United Nations system" and "Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE 82)".

My delegation shares the view that it is a matter of urgency to implement the following recommendations of the Subcommittee. First, all countries should have the opportunity to use the techniques resulting from medical studies in space. Secondly, data banks at the national and regional levels should be strengthened and expanded, and an international space information service should be established to function as a coordination centre. Thirdly, the United Nations should support the creation of adequate training centres at the regional level, linked whenever possible to institutions implementing space programmes; necessary funding for the development of such centres should be made available through financial institutions. Fourthly, the United Nations should organize a fellowship programme through which selected graduates or post-graduates from developing countries would get in-depth,

long-term exposure to space technology and its applications; it would also be desirable to encourage the availability of opportunities for such exposure on other bilateral and multilateral bases outside the United Nations system.

As regards the topic entitled "Matters related to remote sensing of the Earth by satellites, including, *inter alia*, applications for developing countries", my delegation wishes to reiterate its view that commercialization and privatization in the field of remote sensing, although it is necessary to update facilities as required, should not limit access to space remote sensing data and information. While supporting the view of the Subcommittee on the need to maintain access of developing countries to satellite data, my delegation is of the view that the sovereignty of States in the provision of data and information should be respected - in particular, the provision of natural-resources data and information.

Indonesian efforts and activities in this field are aimed at providing objective, accurate and timely information for a wide spectrum of needs and applications. In this respect, my delegation happily informs the Committee that since 1970 Indonesia has operated remote-sensing ground stations in Jakarta and Biak to receive data from LANDSAT and NOAA satellites. To anticipate rapid advances in remote sensing technology, last September the Indonesian Government commissioned its second-generation remote sensing ground station at Pare-Pare, South Sulawesi. The station is now able to receive data and process information from the SPOT, LANDSAT 5 and ERS-I SAR satellites, which cover a wide area including part of the Philippines, Papua New Guinea, Brunei Darussalam, Malaysia, Australia and Singapore. In cooperation with the National Space Development Agency of Japan (NASDA), Indonesia is planning to increase the ability of this station in receiving data, including those from ERS-I, next year.

As to regional activities, Indonesia has actively participated since last year in the joint project of the European Union and the Association of South-East Asian Nations in the utilization of the ERS-I satellite for land-use studies. Indonesia is also offering a training programme on value-added processes with respect to remote sensing of tropical data and is also responsible for a project on the impact of rising sea levels on coastal ecosystems, coordinated by the International Geosphere-Biosphere Programme and the South East Asian Regional Committee of START, generally known as SARCS. In collaboration with NASDA and the Economic and Social Commission for Asia and the Pacific (ESCAP), Indonesia is co-sponsoring a regional seminar on remote sensing for tropical ecosystem management, which will be convened in Bali in August this year. We expect many delegations from various countries to attend the conference. In this regard, we would like to take this opportunity to invite interested member countries to participate.

As we are all aware, ESCAP is preparing a ministerial meeting to be convened in Beijing in September this year. In fact, its preparation was commenced last year with a meeting of a group of experts, followed by a meeting of the consultative group in Bangkok last March. The outcome of the meetings was reported to the fiftieth annual session of ESCAP, held in New Delhi last April. It is the view of my delegation that the Scientific and Technical Subcommittee should take this opportunity to consider the report, particularly the portions concerning the applications of space technology, which could also be of benefit to other regions.

Matters of great concern to my delegation, among others, are the threat of the nuclear contamination of our fragile ecology through the re-entry of space debris, and the possibility of collisions between space debris and satellites. My delegation is therefore happy that the subject of space debris has been included in the substantive agenda of the last session of the Scientific and Technical Subcommittee. We urge that assessment studies of debris hazards be undertaken, as well as methods devised to overcome or reduce their effects. We would like to propose that studies be made to identify and define the legal aspects of the problem and that the results of all these studies, as well as all relevant information on space debris, be distributed to all Member States.

In our statement during the general exchange of views, we indicated - and would like to reiterate now - our support for the convening of the Third Conference on the Peaceful Uses of Outer Space (UNISPACE 3) in the near future in one of the developing countries. It is my delegation's view that this Conference would be a valuable forum in which to address the concerns of many States regarding the need to ensure continuity in space systems, particularly those related to meteorology and remote sensing.

Ms. Zheng Lizhong (China) *(interpretation from Chinese):* Concerning agenda item 7, "Implementation of the recommendations of UNISPACE 2", I am very honoured today to present to the Committee information on the preparation of the Ministerial Conference on Space Applications for Development in the Economic and Social Commission for Asia and the Pacific (ESCAP) region.

At the forty-ninth session of the annual meeting of the ESCAP Commission, it was decided that the Ministerial Conference on Space Applications for Development in the ESCAP Region would be held in Beijing in September 1994. That decision testifies to the confidence placed in us by the countries of the ESCAP region. The Chinese Government accords great importance to this Conference and has allocated special funds as well as manpower to its preparation.

At present, China has set up a Chinese Preparatory Committee, composed of leaders from 15 ministries and commissions, including the State Science and Technology Commission, the Ministry of Foreign Affairs, the Ministry of Finance, the Commission of Science, Technology and Industry for National Defence, the National Space Administration, Academia Sinica and others. Its honorary Chairmen are the Vice-Premier and Foreign Minister, Mr. Qian Qichen, and the State Councillor and Director of the State Science and Technology Commission, Mr. Song Jian.

The Asia-Pacific region covers a little less than 30 per cent of the Earth's surface, but sustains 58 per cent of the world's population. The developing countries of this region are faced with a series of grave problems, such as lack of resources, deterioration of the environment, frequent natural disasters, and a population explosion. At the same time, several countries have already invested huge sums of money to exploit space technologies and applications, and have achieved encouraging results. These advanced technologies, when applied to the exploitation of resources and the monitoring of the environment and of disasters, as well as satellite education, can constitute extremely effective means of promotion of social development. Consequently, the intensive utilization of advanced technology to solve problems affecting the human environment and to improve living conditions is an issue of great concern for the decision-makers of all countries, including those of the Asia-Pacific region. That the Asia-Pacific region should take the lead among the world's regions in convening such a high-level conference on space applications for development testifies to the growing numbers of leaders who attach importance to utilizing sophisticated and innovative technology to promote social development and to harmonize the resolution of regional problems in the process of development.

The Chinese Government would like to express its appreciation of this trend. The Conference will be an event of great significance for the Asia-Pacific region and of major importance in the field of space applications.

The coming Ministerial Conference is the first of its kind devoted to the topic of space applications activities to be held at such a high level in the Asia-Pacific region. Its purpose is to launch a regional space applications programme which would help the development of the ESCAP region. The objective of the programme is to promote regional and subregional cooperation, to strengthen and enhance space applications for sustainable development in the countries concerned and to ensure and maintain coordination in the development of space applications, and in this way to solve the environmental and developmental problems confronting the region.

According to arrangements made by ESCAP, the Conference activities will consist of the following four parts: first, the meeting of Ministers; secondly, the preparatory meeting of senior officials; thirdly, a symposium on space technology and applications for sustainable development and, fourthly, an exhibition on space technology and applications.

The ESCAP secretariat has prepared the following important documents for the meeting of the Ministers. First, there is the Ministerial Declaration - that is, the Beijing Declaration on Space Applications for Development in the ESCAP region. The Declaration will reflect the commitments made by the Asian Pacific countries to the implementation of the space applications programme, including their commitment in terms of financing and action with a view to ensuring the sustainable exploitation of natural resources and environmental management, and to the promotion of social and economic development.

The remaining documents concern the following topics: the status of and future trends in space technology in relation to sustainable development in the ESCAP region; issues concerning space technology and applications for sustainable development in the ESCAP region; the strategy for regional cooperation on space applications for sustainable development in the ESCAP region; and an action plan on space applications for sustainable development in the ESCAP region.

Invitations to the meeting of Ministers and the preparatory meeting of senior officials will go to Ministers and senior officials from 58 member States and associate member States.

I should like further to state that the activities of the Ministerial Conference will include an expert meeting on space technology and applications for sustainable development. Its main topics of discussion will include the

following four themes: the development of space technology; geostationary observation; environmental and disaster monitoring; and satellite communications and other issues.

During the Conference, arrangements will be made to visit the relevant space agencies in China. Delegates will also be invited to participate in the meeting of Ministers and the meeting of senior officials, as well as related activities. The Conference will provide excellent opportunities for delegates to hold bilateral and multilateral talks.

The Ministerial Conference will feature an Exhibition on Space Technology and Application. Various countries and relevant international organizations, as well as corporations and commercial and industrial firms, will be able to take this opportunity to display their technologies and products. Through this channel, interested countries will be able to look for products they need as well as for channels of cooperation.

To ensure the smooth convening of the Conference, China has carried out a series of preparatory activities. It will provide international travel and per diem expenses for the team of 54 ESCAP Secretariat staff members and for Ministers from 13 least-developed countries. In addition, we will provide as the venue for the conference the China Hotel in the World Trade Centre complex, which was also the venue of the forty-eighth ESCAP session.

The Chinese Government will honour all the commitments it has made for the conference. We look forward to meeting friends from the Asia-Pacific countries in Beijing this September. We hope that friends from other parts of the world will also participate in the events, including the expert meeting and the Exhibition.

I am certain that with joint efforts and strong support from all sides, this unprecedented Ministerial Conference on Space Applications for Development in the ESCAP Region will be crowned with success.

The Chairman: We have now concluded consideration of agenda items 5 and 7.

Agenda item 6 *(continued)*

Report of the Legal Subcommittee on the work of its thirty-third session (A/AC.105/573)

Mr. Barsegov (Russian Federation) *(interpretation from Russian):* The delegation of the Russian Federation, on its own behalf and on behalf of many of our colleagues here and members of the Secretariat, would like most sincerely to thank you, Sir, and, through you, the Ministry of Foreign Affairs of Austria, the Government and representatives of Styria, the Mayor of the town of Graz and the representative of Austria for our excellent trip to Graz and our visit to Riegesburg castle. It is an exceptionally interesting historical place, and visiting it enabled us to become even better acquainted with the beauty of Austria and with its very friendly people.

We are convinced that the Legal Subcommittee remains one of the most important - even unique - forums for discussing new ideas, highlighting justifications for regulating space activity, developing the legal norms governing relations between States and responding to changing international conditions and requirements.

In the conditions prevailing in the contemporary world, the development of international outer space law requires a balanced approach in order to define ways and means of achieving our objectives. Here, even more than in any other forum, we can tolerate no bias, self-centred approaches or deviation from balanced solutions.

At first glance, it might seem that during the course of the Subcommittee's work no radical changes took place. Nevertheless, the ideas and proposals put forward - and, in particular, some emerging discussions - give us grounds for feeling that the session was not exactly commonplace. As the representative of a delegation whose position is based on a balance between interests and on openness, I should like to point out that a real movement has developed towards reaching constructive goals, with consequent continuous improvement of the international legal regulation of outer-space activity as a whole. The delegation of the Russian Federation is in favour of shifting the emphasis of some aspects of our discussion to individual items on the agenda, as well as in the general direction of the further international legal regulation of space activity.

Let us take as an example the development of international cooperation. In its work on new principles for cooperation, the Subcommittee, without predetermining the results of a comprehensive analysis and reworking the whole complex of ideas, needs to calculate properly well-founded parameters for generally acceptable solutions, taking into account practical interests and real conditions. Only such a model of further development with regard to cooperation, a model that could be put into practice for the

benefit of all and that would continually be enriched by this practice, would work from the point of view of national and international interests.

In trying to improve our work with regard to activities in outer space, we must remember that outer space comes within the concept of "the common heritage of mankind", as developed in the United Nations Convention on the Law of the Sea. As is well known, the seabed and its resources beyond the limits of national jurisdiction were stated to be the common heritage of mankind. In developing the concept and its specific principles and norms, the participants in the Third United Nations Conference on the Law of the Sea felt that they should be a model to be applied to other resources and areas of general use.

The basic idea - the use of space and its resources in the interests of all mankind, with special account taken of the interests of developing countries - is very attractive and progressive from the point of view of general concepts about the best way of regulating things for mankind. At the same time, when it comes to such practical aspects as financing or the transfer of technology, it has given rise to great difficulties in contemporary international economic relations.

The Convention, section XII of which embodies the principle to which I have referred, was adopted by a majority of votes, but it took 13 years before it entered into force last November, with the minimum number of required ratifications. Thus, the text must be adapted to real conditions in order to make the Convention acceptable to those States without whose participation any formally established system cannot exist. Therefore, the call to adopt the basic principles and norms of the concept would objectively yield little of constructive benefit.

The specific nature of space activity entails the need for even greater caution and a very thorough assessment of real possibilities. A well-known figure once said "State the facts and the ideas will follow". Following upon this aphorism, we suggested at the session that developing countries with some potential in the sphere of outer space and related aspects of technology should give a precise, practical outline of a model that they envisage for access to outer space activities, an outline corresponding to the substance of the principles proposed - expressed in such categories as services, preferences, redistribution of benefits and so on - and ensuring a material basis for translating this model into reality.

In suggesting this, we are counting on the interest and readiness of colleagues to address the inadequate formulation of certain aspects of cooperation and how to correct it. We feel that the participants in the next session will be in a position successfully to continue the constructive work done on the analysis of issues to be addressed in the principles for cooperation.

I should now like to speak on another agenda item. We must note that, in the discussion on delimitation, there has typically been a clash between two different approaches. Some delegations hold the opinion that delimitation is necessary, while others make it clear that in no proposal can they find the least hint of rationality. In such circumstances, it is of course difficult, but not impossible, to achieve consensus. In order to be better able to deal with the problem of delimitation at this stage and to assess the real potential for adapting new approaches to the new international conditions, it was originally proposed that we address the problems of aerospace resources.

The discussion at this session has shown that the general ideas and key elements prepared by the Chairman of the Working Group on the questionnaire on aerospace objects met with the interest of many delegations. We believe that there emerged an understanding at this session that next year it will be necessary to renew and prepare a final version of the questionnaire, if possible one which is formulated more clearly and oriented towards more practical matters.

The position of the Russian delegation on delimitation is based on a dual approach: on the one hand, the continuation of the principled course, for the problem, as we see it, does indeed exist; and, on the other, a willingness to seek new approaches and potential solutions. It is precisely for this reason that we feel that, if there is a certain flexibility on subjects and in discussions, we can find a new approach to the consideration of this problem and, possibly, an acceptable alternative solution.

Concerning the geostationary orbit, we spoke during the session of the Subcommittee in favour of the Colombian document as a constructive key, taking into account first the general political importance of the tendency to move away from the consideration of the problem of the "equatorial dimension". This document represents a genuine step forward, but the shift of emphasis does not yet imply that we have found an optimum, generally acceptable solution embodied in international legal forms. In the context of the difficult ongoing journey towards an objective truth, we should like to propose to our Colombian colleagues that

they consider very carefully a number of questions. Is there not a contradiction in the draft resolution between the so-called "first-come, first-served" principle and the fundamental principles of the 1967 space Treaty, not to mention the requirements of the Charter of the International Telecommunication Union (ITU) and the procedures under the radiowave regulations? Is it not artificial to entertain a principle whereby the rights of one group of States are preferred over those of others? Practically speaking, this principle excludes the real possibility, within the framework of the ITU, of a compromise solution and a procedure for mutually acceptable agreement of interests.

The delegation of the Russian Federation believes that, within the framework of the Subcommittee under the leadership of the Chairman of the Working Group on nuclear power sources, a more rational solution adapted to contemporary conditions was developed with a view to further work to be done on this topic. We hope the Committee arrives at a far-sighted and justified resolution on this item.

In conclusion, we would like to emphasize that our approach to the assessment of the potential for the activity of the Legal Subcommittee is optimistic. We are fully prepared, and with the greatest good will, to consider the proposals of our colleagues and to support the dynamism of new ideas and any constructive trends in the discussions of the Subcommittee.

The Chairman: I thank the representative of the Russian Federation for his kind words of gratitude with regard to the excursion on Saturday.

Mr. Schrogl (Germany): The German delegation is pleased to state that the Legal Subcommittee made considerable progress in its discussions of the agenda item on space benefits. This indicates that the period of reorientation after the adoption of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space has now ended. While the deliberations on the subjects of delimitation and the geostationary orbit need more thorough discussion, and the review of the nuclear power sources Principles does not seem to be a priority for the time being, the agenda item on space benefits has gained a strong momentum.

That agenda item should therefore be addressed in a constructive way. However, under the current circumstances, and taking into account the open discussion during the last session of the Subcommittee, a further step has to be taken. The proposals made by last year's speakers give my delegation the confidence to explain in more detail the central points of our position on space benefits.

I would like to point out - and I believe all delegations will agree - that international cooperation in the exploration and utilization of outer space must be conducted in accordance with the provisions of international law, including the Charter of the United Nations and the Outer Space Treaty. It should be carried out for the benefit and in the interests of all States, irrespective of their degree of economic, social or scientific and technological development, and particularly taking into account the needs of developing countries.

International cooperation should therefore strive to allocate resources efficiently and to promote the development of indigenous capabilities for all States, while expressly taking into account the needs of developing countries. It is our firm conviction that on this basis States are free to determine all aspects of their cooperation in the exploration and utilization of outer space on an equitable and mutually acceptable basis.

I shall now turn to the concrete aspects of which modes of cooperation should be considered. Generally speaking, States are free to choose between different modes of cooperation, in the following categories: governmental or non-governmental cooperation, which can be effected on a global, regional or bilateral level, including cooperation between industrialized and developing countries, as well as between developing countries and between industrialized countries. All these activities can be effected on a commercial as well as a non-commercial basis.

In our opinion, States should choose on an ad hoc basis the most effective and appropriate mode of cooperation from these alternatives, with the aim of efficiently allocating resources.

As a general goal, cooperation should aim at coordinating national and international policies in the relevant field. States should mutually benefit from international cooperation involving sharing experience and learning together - as was so aptly stated in the recommendations of UNISPACE 2.

All activities involving the exploration and use of outer space which are conducted in accordance with the provisions of international law should be considered for international cooperation according to the guidelines just elaborated. Such activities include remote sensing of the

earth from outer space, including the observation of the earth environment; management of natural and agricultural resources; oceanographic and meteorological observation and the prevention of natural disasters; use of telecommunications services; microgravity research and life sciences; and manned and unmanned space exploration.

My delegation has analysed the positions taken on space benefits during the last session of the Legal Subcommittee. My statement is an attempt to find common ground for positions that have thus far diverged. Our approach seeks to harmonize certain basic beliefs of developing countries and industrialized countries and to work out mutual objectives for space exploration and utilization that will be for the benefit and in the interests of all States.

My delegation is prepared to cooperate constructively in the further deliberations on this agenda item.

Ms. Betancur de González (Colombia) (*interpretation from Spanish*): Since this is my first statement to the Committee, Sir, allow me to express the pleasure of the delegation of Colombia at seeing you again guiding our debates with professionalism and dedication. The Committee is dealing with particularly important topics, such as an increase in its membership and the possible holding of a third United Nations conference on the exploration and peaceful uses of outer space (UNISPACE 3).

Colombia is fully in favour of admitting new members to this important body, so long as that is done on the basis of equitable geographic distribution.

As regards a third UNISPACE, Colombia believes that the changes on the international scene over the last decade show that today more than ever international cooperation in outer space activities is essential in order to guarantee that it is used for exclusively peaceful purposes. We therefore believe it appropriate to hold a third conference to update discussion of the topics discussed at the last UNISPACE and adapt them to the new international realities and new advances in space technology. Colombia favours the conference's being held in a developing country.

The Colombian delegation has taken the floor on this item in order to refer briefly to document A/AC.105/C.2/L.192 of 30 March 1993, entitled "Geostationary satellite orbit".

In its resolution 47/67 the General Assembly requested the Legal Subcommittee to examine

> "matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union". *(resolution 47/67, para. 4 (b))*

The document to which I refer was submitted by the Colombian delegation at the thirty-second session of the Legal Subcommittee in 1993 and was discussed and revised at the last session of the Subcommittee, which took place this past March.

The Colombian delegation would like to put on record its gratitude to Mr. Estanislao Zawels, the representative of Argentina, for having very ably conducted the deliberations and for the conscientious review of the document submitted by this delegation, which has been accepted by a number of countries represented here today.

We would also like to express our thanks to all the member States of the Committee for their criticism and useful comments, as well as for their active participation in the deliberations, which undoubtedly expanded our initial goal in presenting the document and fostered the kind of cooperation which has always been seen within the Committee and its subsidiary organs.

My delegation would request the Committee to continue to study this document, which many delegations have agreed is a good basis for discussion and negotiation. We urge that a final decision on this very important issue be taken at the next session of the Legal Subcommittee, given that the matter has been under discussion for a long time.

In conclusion, my delegation would like to refer to document A/AC.105/C.2/L.182/Rev.1, entitled "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes", which was submitted to the thirty-second session of the Legal Subcommittee in 1993 by the delegations of Argentina, Brazil, Chile, Colombia, Mexico, Nigeria, Pakistan, Philippines, Uruguay and Venezuela. We appreciate the work done by Mr. Raimundo González, representative of Chile, who headed the Working Group that discussed this document at the Subcommittee's last session. We would also like to emphasize and commend the expert statement

by Mr. Edgar Telles Ribeiro, representative of Brazil, on behalf of the sponsors.

As a sponsor, Colombia would like the study of the document to continue, so that it may soon be approved. We are in favour of the establishment of legal principles guaranteeing equitable access to outer space activities and of broader international cooperation in this field.

Mr. Ramírez Landázuri (Ecuador) *(interpretation from Spanish):* My delegation hopes that the Committee will give a clear signal about the need to continue developing a legal framework for outer space and the geostationary orbit.

A number of important ideas have been advanced here about the appropriateness of moving towards the elaboration of norms such as those adopted by the world Conference on the Law of the Sea on such important matters as the question of resources considered to be the common heritage of mankind and the circumstances and needs of the developing countries.

The representative of the Russian Federation put forward the very constructive and positive idea that developing countries could develop a model covering preferences, services, the distribution of benefits and so on.

The work of the Legal Subcommittee has been very fruitful, resulting in the drafting of a number of significant international legal instruments on outer space matters. After many years of negotiation, the Subcommittee has promoted codification in areas where at first, there was no unanimity. We believe that this work should continue.

Studies and analysis by the Legal Subcommittee have been given renewed impetus at recent sessions with the presentation of the Colombian working paper on the geostationary orbit, the document of the Russian Federation on issues relating to the legal regime applicable to aerospace objects, the unofficial document of the Chairman of the Working Group on this subject and the document submitted by some members of the Group of 77 on draft principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes. There have been many comments and observations on all those proposals, enriching the debate and the negotiations and demonstrating the interest in continuing to analyse and debate these topics.

Allow me to refer now to the rules of procedure which were agreed after extensive deliberations by the member States of COPUOS. My delegation considers that the principle of flexibility is most important, because it helps our work and facilitates progress at our sessions. But we do not believe that the time available for the sessions of the Legal Subcommittee should be reduced. The items on its agenda, and those which may be added, are worthy of sufficient time for debate. If we happen to finish ahead of schedule, we can end the session then. What my delegation would not wish to see is an attempt to limit substantive debate within the Legal Subcommittee under the pretext of changes in procedure.

I would now like to touch upon the subject of the geostationary orbit, which has been tackled by both the Scientific and Technical Subcommittee and the Legal Subcommittee. My delegation believes that it is essential to set up a special legal regime, a *sui generis* legal regime, to regulate access to, and utilization of, the geostationary orbit, taking into account the fact that it is a physical entity with special technical characteristics and attributes which link it to gravitational phenomena created by the Earth, and which occur solely on the equatorial plane; that, in turn, means that there is a special relationship between the geostationary orbit and the equator. The legal regime to which I refer should take into consideration this fact and the rights of all States to benefit from the orbit, taking into account the needs of the developing countries.

This would give us an unambiguous frame of reference guaranteeing access to, and utilization of, the geostationary orbit exclusively for peaceful purposes, to the benefit of mankind as a whole, taking into account the interests of all States, particularly those which, lacking technical and financial resources, have not yet been able to develop their interests or to exercise their rights. It is therefore essential to draw up international instruments and coordinate them with existing ones.

Access to the geostationary orbit, a limited natural resource, and its conservation, utilization and benefits, are matters of interest to all mankind. It is essential to avoid its over-exploitation and saturation, as well as contamination by space debris. Therefore, satellites should be transferred to an elimination orbit just before they finish their useful life.

In the light of the problem of the saturation of this limited, finite natural resource, the international community must lay down the safeguards necessary to guarantee future access by all States to the geostationary orbit, giving preference to States that have been unable, owing to technological or financial limitations, to have access.

Mr. Forna (Romania), Vice-Chairman, took the Chair.

Mr. Ramírez Landázuri (Ecuador) *(interpretation from Spanish):* We are pleased that other delegations have referred to the question of space debris. We welcome the Polish proposal that the Committee officially recommend that, in order to prevent the saturation of the geostationary orbit, satellites now in that orbit be moved out of it before the end of their useful life. At the last session of the Legal Subcommittee my delegation supported the convening at a coming session of the Subcommittee of a seminar on the question of space debris in the geostationary orbit. We reiterate our support for that initiative.

Positive, consistent development of the legal aspects of the geostationary orbit is needed if the Committee is to continue in accordance with the General Assembly's mandate. Hence, my delegation considers it essential to coordinate our work with that of the International Telecommunication Union (ITU), whose important responsibilities - very technical - in this area are limited to telecommunications and frequencies; the work of COPUOS, specifically its Legal Subcommittee, concerns the legal aspects - and the resulting political aspects - of the geostationary orbit.

My delegation takes note of the Russian proposal regarding a clear demarcation between the ITU on the one hand and COPUOS and its subsidiary bodies on the other. My delegation considers that COPUOS should retain its area of competence and engage in a study of the legal and political aspects of the geostationary orbit, while the ITU should limit itself to the technical area; this would prevent duplication of work and would achieve the complementarity we all desire.

My delegation views the proposal on dividing the item on the definition and delimitation of outer space and the geostationary orbit as inconsistent, even though the latter deserves special study because of its specific technical characteristics. My delegation has long supported consideration of the definition and delimitation of outer space, but for well-known reasons it has not been completed. We support a definition and delimitation of outer space retaining the criterion of a *sui generis* legal regime independent of or complementary to that regarding atmospheric space.

My delegation will continue to participate in the informal meetings regarding the organization of the work of the Committee and, especially, its Legal Subcommittee; we are grateful for these consultations, and trust that they will improve our working methods. We also trust that should new topics be found they will be added to those already before us.

Mr. Fiuza Neto (Brazil): The Brazilian delegation considers this to be a most important item of discussion in the light of the work of the thirty-third session of the Legal Subcommittee and of the specific ideas on how to conduct its future work put forth by some delegations in our recent informal consultations.

Frequent reference is made to the fact that COPUOS, and in particular its Legal Subcommittee, must examine ways of utilizing available conference facilities more efficiently. While this is certainly true, it seems, as we have had occasion to mention before, that for some delegations the efficient utilization of resources has come to be synonymous with a reduction in the length of our sessions, particularly in the case of the Legal Subcommittee.

The Brazilian delegation continues to feel that the Legal Subcommittee is the heart and soul of COPUOS, and as such should be its most dynamic component. After all, one of the primary goals that led to the creation of this Committee was to examine legal problems which might arise in programmes to explore outer space.

As we know, the Subcommittee is at present addressing three items, one of which, that on nuclear power sources, is, at least for now, dormant. A second item brings together two different topics: the geostationary orbit and the question of the definition and delimitation of outer space. If these questions were interrelated at one point, today their relationship would perhaps justify their treatment as separate items. The question of outer space benefits, on the other hand, has provided the Subcommittee with some interesting discussions and with hope for significant progress.

Yet the most troubling aspect of the Subcommittee's agenda is what is not to be discussed. Fortunately, the consultations to be conducted by the Chairman of the Legal Subcommittee at the 1995 session as a result of a recommendation of the Committee will begin to address this point. Without prejudging the outcome of these consultations, I would like to suggest, as an additional input, that the idea put forth by my delegation regarding a seminar on the legal implications of the existence of space debris in the geostationary orbit be retained.

In addition, the case for discussing the question of space debris in the Legal Subcommittee has been made by experts in the field of international space law. With regard to space debris in particular, the representative of the International Law Association (ILA) pointed out that

> "The ILA certainly feels that, at the very least, information on that agenda item should be exchanged between the two Subcommittees of the Committee on the Peaceful Uses of Outer Space". *(A/AC.105/PV.395, p. 7)*

What is more interesting, however, is that since 1990 the ILA has been engaged in the elaboration of an international instrument regarding space debris. Meanwhile, the Legal Subcommittee has been deprived of even the possibility of discussing the topic.

In short, as most representatives agreed last Friday, what really matters is not the length of the session but the substance of the agenda. If the Subcommittee were to address all possible items, then three weeks would hardly be sufficient.

The set of rules adopted in 1993 by the Subcommittee provided for a great deal of flexibility in conducting its work. These rules, which resulted from intense negotiations, were applied for the first time this year, with significant success. It is interesting to note that the Subcommittee achieved a high efficiency rating this year, well above the average for the Organization as a whole.

I now move on to the items currently on the agenda. The Legal Subcommittee held some very interesting discussions this year, particularly with regard to outer space benefits. The Brazilian delegation sought to set forth the rationale behind working paper L.182/Rev.1, sponsored by 12 countries, in order to - as they say in my country - "get the ball rolling". Fortunately, our effort was rewarded with some extremely constructive comments and criticism, expressed in an organized and systematic fashion.

This constructive attitude on the part of delegations indicates that there is considerable room for progress on the debates on this item in future sessions of the Subcommittee. The first step will have to be for the sponsors to revise working paper L.182/Rev.1, which, we trust, will bring closer together delegations which have so far held widely differing views on this matter. Brazil is ready to work with the sponsors before the 1995 session in order to arrive at a satisfactory set of principles.

On the question of the geostationary orbit (GSO) there was little substantive progress, although interesting views were expressed by some countries. The Colombian delegation, for its part, attempted to inject some life into the debate by suggesting the organization of a seminar on space debris in the GSO, as has already been mentioned.

Regarding the topic of definition and delimitation, there was some progress with regard to the definition of the questionnaire on aerospace objects, through the drafting of introductory paragraphs to place the text in the appropriate context.

In spite of the lack of significant substantive progress on these questions, we believe that the informal consultations held by the Working Group on item 4 during the Subcommittee's thirty-third session were extremely fruitful, especially from the point of view of the exchange of information, to the benefit of many delegations. We believe that informal consultations constitute an important means of facilitating the discussions on the items addressed by the Subcommittee. Sufficient time should thus be allowed for such consultations in future sessions.

As regards the item on nuclear power sources (NPS), the Brazilian delegation believes that the decision made by the Working Group to suspend its activities for the 1995 session is in line with the consensus in the Subcommittee to the effect that no revision of the principles on NPS should be undertaken at this time.

Mr. Zhu Wenqi (China) *(interpretation from Chinese)*: The Chinese delegation has always attached great importance to the work of the Legal Subcommittee, since it has an important bearing on the relevant international space law on the formulation of legal criteria guiding space activities, the reduction of conflicts in space activities and the promotion of international peace and security. With the rapid development of space science and technology, all countries are paying great attention to the development and perfection of space law. The Chinese delegation has always actively participated in the legal work related to space activities in order to ensure and promote the development of space affairs. Here I should like to make some comments on the work of the Legal Subcommittee, as well as on its report.

With respect to the issue of space benefits, the Legal Subcommittee continued during its session this year the discussion of a working paper entitled "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes". The Chinese

delegation is of the view that the working paper is of practical and positive significance. Some of the principles contained therein deserve full attention, for instance the principles that international cooperation in space should be pursued to enable all countries to develop their own space capabilities and enjoy the benefits of space; that the exchange of expertise and technology for the benefit of developing countries should be promoted; that space material and equipment should be transferred at reasonable and fair prices; that the environment should be protected during the carrying out of space activities; and that the spin-off benefits of space technology should be redistributed in a fair manner, with consideration for the needs of developing countries. Needless to say, the search for a solution to all these problems is still fraught with difficulties at this stage. However, this document is a good basis for our work and discussion of this paper will contribute positively to the solution of these problems.

With respect to the issue of the definition and delimitation of outer space, the Chinese delegation believes that, since countries still have fairly great differences of opinion on this issue, the time is not yet ripe for the matter to be settled. We believe that we can invite the International Civil Aviation Organization (ICAO) to present its opinion on the legal aspects of the flights of aerospace objects and on the delimitation of air space.

As for the issue of the geostationary orbit, the Chinese delegation believes that an examination of this issue by the Committee will not conflict with the functions and responsibilities of the International Telecommunication Union (ITU). Rather, such work will be complementary. The work of this Committee will fill in the legal gaps in the relevant ITU regulations. For instance, the use of the geostationary orbit exclusively for peaceful purposes, which is not an issue likely to be dealt with by the ITU, is expressly within the mandate of this Committee. Also, the issue of clearing space debris is also within the Committee's mandate.

With regard to nuclear power sources (NPS), principle 11, on the review and revision of the 1992 Principles relevant to the Use of Nuclear Power Sources in Outer Space, stipulates that these principles shall be reviewed and, if necessary, revised no later than two years after their adoption. Even though this agenda item was not substantively discussed at the last session of the Legal Subcommittee, the Chinese delegation considers that this is a very important item of the Legal Subcommittee's agenda and is a matter of concern for all Member States. Therefore, we agree that this item should be retained on the Subcommittee's agenda.

With respect to the review and revision of the Agreement governing the activities of States on the Moon and Other Celestial Objects, the Chinese delegation is of the view that even though the review of this Agreement has been listed by the Secretary-General as an agenda item for the General Assembly this year, as provided for by the Agreement itself, so far only nine countries have ratified this Agreement and five others have signed it, so that any revision should be carried out with prudence and on the basis of wide consultations with all Member States.

Mr. Wiryosumarto (Indonesia): As regards the item under consideration, my delegation would like to associate itself with the previous speakers in thanking the Secretariat for its commendable work in preparing document A/AC.105/573, the report of the Legal Subcommittee on the work of its thirty-third session.

My delegation is of the view that the utilization of nuclear power sources (NPS) in outer space is a matter of common concern for the international community, as it could affect the environment and the safety of human lives. To this end we would like to reaffirm the importance of strict adherence to the Principles relevant to the Use of Nuclear Power Sources in Outer Space. In this regard, my delegation appeals for further study by the Legal Subcommittee of the legal aspects related to the development of NPS technology, taking into consideration the results of studies of its scientific and technological aspects.

On the question of the geostationary orbit as a limited natural resource, my delegation is of the view, taking into consideration the need for rationality and equity in the guiding principles in planning its utilization, that the discussion of this matter should remain on the agenda of the Legal Subcommittee.

My delegation believes that we should redouble our efforts in considering the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries. We hope that in the deliberations we will be able to explore and elaborate further on the constructive approach to international cooperation in outer space activities, in which all the results of the exploration and exploitation of space

could be shared for peaceful purposes and for the common benefit of developed and developing countries.

In these constructive deliberations, the paramount considerations with regard to international space cooperation for the peaceful uses of outer space and for its benefit to all mankind should be the principles of access to space technology and applications; the development of indigenous capabilities of all States in space science and technology and their application; and sovereignty.

Mr. Perek (Czech Republic): We consider the geostationary orbit to be very important. There are some problems which require discussion. One is the coordination of the motions of satellites which have been assigned the same nominal position. So far, this coordination has remained dependent on the goodwill of the individual participants, but we have no international agreement in this respect.

The second problem is space debris in the geostationary orbit. In particular, the fact that objects smaller than one metre are not observable at this time is of great importance. We are of the opinion that the geostationary orbit is highly important to countries at all geographical latitudes. I myself have seen antennas pointed to satellites in the geostationary orbit very close to the north polar circle.

We fail to see the connection between the question of the definition of outer space and the geostationary orbit, for the following reasons. Paragraph 5 of the Colombian document, reproduced in annex IV of the report of the Legal Subcommittee, states that

> "the geostationary satellite orbit is part of outer space".

Secondly, in the Legal Subcommittee, the question of the definition and delimitation of outer space and the question of the geostationary orbit were discussed separately, and there was no connection between them.

These are the two main reasons why we would propose the separation of the two items. The past arrangement, under which they were discussed together, did not speed up progress on either of the two questions, so why not try separate discussions under two different agenda items?

Mr. Bojilov (Bulgaria): My delegation would like to make a few remarks and some comments on the report of the Legal Subcommittee. Its work on item 3 on its agenda, "Question of early review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", was predetermined by the view of the Scientific and Technical Subcommittee, namely, that the Principles should remain in their current form until such time as they are amended, and that before amendment proper consideration should be given to the aims and objectives of any proposed revision.

In the light of this conclusion, it seems to my delegation natural and logical that any revision of the Principles should await the result of the scientific and technical debate on the matter. Therefore, we support the cautious approach of the Working Group of the Legal Subcommittee, which on the one hand recommended that consideration of that item be suspended for one year, pending the results of the work of the Scientific and Technical Subcommittee, and on the other concluded that the item should be retained on the agenda of the Legal Subcommittee.

I am afraid that my delegation is unlikely to say anything new on item 4, "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit". We share the view expressed by some delegations at the current session that the linkage of two different issues in one item is hardly the most appropriate approach to the solution of the problems involved. The challenge remains unchanged. The real problem is how to find a way out of the existing deadlock, for as long as there is no progress in the work of the Legal Subcommittee it will be difficult, even impossible, to avoid unflattering comments to the effect that COPUOS has turned into an international debating society.

In a way, it is encouraging that some progress was achieved on item 5, "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interest of all States, taking into particular account the needs of developing countries". The constructive debate during the thirty-third session of the Legal Subcommittee gives hope that it may be possible to develop a new consciousness of the importance of international cooperation.

The changes of paramount importance in the international political situation that we have witnessed and lived through over the past several years set the premises and call for innovative approaches to global problems, so that all countries may reap the many practical benefits of

space technology and its applications. Owing to the efforts deployed by the Committee and its subsidiary bodies, five international legal instruments were concluded in the past: a Treaty and an Agreement in the 1960s, two Conventions and an Agreement in the 1970s and two sets of Principles in the 1980s.

Unfortunately, during the 1980s the Legal Subcommittee slowed the pace of its activities and practically interrupted the process of developing and elaborating legal norms. In fact, 12 years of discussion resulted only in a set of Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

It is beyond any doubt that our task requires careful and deliberate consideration, so that we may develop international space law based on consensus. As space technology continues to advance in the coming years, the Legal Subcommittee is duty-bound to focus its attention, as soon as possible, on substantive matters and to intensify its efforts to promote international cooperation by developing legal principles and norms for the benefit and in the interest of all States.

Some of the ideas contained in the report (A/48/221) of the Secretary-General entitled "International cooperation in space activities for enhancing security in the post-cold-war era" may well be a source of inspiration for the future work of the Legal Subcommittee and of this Committee as a whole.

The meeting rose at 11.55 a.m.